

CONGRESSIONAL RECORD SUMMARY

Wednesday, November 20, 2002

PART II

SENATE

S. 1340 - Indian Probate Reform Act:

Senate passed S. 1340, to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands, after agreeing to a committee amendment in the nature of a substitute.

Pages S 11783-89, D 1175

H.R. 5472 - Protection of Family Farmers Act:

Senate passed H.R. 5472, to extend for 6 months the period for which chapter 12 of title 11 of the United States Code is reenacted, clearing the measure for the President.

Pages S 11792-93, D 1176

Nominations Returned to the President:

***Please note that Part 1 of the November 20th Congressional Record listed the section on nominations returned to the President as continuing in Part II. In Part II, the nominations are only listed in the Digest, no further details in the body of the Senate section.

Remarks:

Confirmation of John Rogers.

"...As I have said repeatedly, I appreciate the fair manner in which Chairman Leahy treated Kentucky judicial nominees, particularly nominees to the district courts in Kentucky. However, some of his statements on the floor Monday evidence a serious misunderstanding of the genesis of the Sixth Circuit vacancy crisis and of Professor Rogers' judicial record and philosophy. As many people know, the Sixth Circuit has been in dire straits, and although some of my Democrat colleagues have tried mightily to do so, the blame for this sorry situation cannot be laid at the feet of a Republican-controlled Senate. At the beginning of this year, half of the sixteen seats on the Sixth Circuit were vacant. But contrary to the assertions of my friend from Vermont, half of those vacancies arose in the first year of President Bush's presidency. Judges Gilbert F. Merritt, Alan E. Norris, Richard F. Suhrheinrich, and Eugene F. Siler all took senior status in 2001-- after President Bush came into office..."

McConnell

Pages S 11711-12

Opposing the Long-Term Continuing Resolution.

Lincoln

Pages S 11712-14

Indian Trust Funds Management.

"... By sponsoring this legislation, Senators Daschle, Johnson, and I intended to express congressional support and provide direction for reform of the Federal Government's management of Indian trust funds and assets, which has for some time been subject to intense criticism and scrutiny by the Federal courts. High-level Government officials have been held in civil contempt twice by the U.S. District Court here in Washington, DC, for their abject breach of fiduciary duties as well as the continuing failure to comply with statutory mandates and court orders..."

McCain

Pages S 11714-15

Remarks (Cont.):

Enhanced Protection of Our Cultural Heritage.

*"...This legislation increases the maximum penalties for violations of three existing statutes that protect the cultural and archaeological history of the American people, particularly Native Americans. **The U.S. Sentencing Commission recommended the statutory changes contained in this bill**, which would complement the Commission's strengthening of Federal sentencing guidelines to ensure more stringent penalties for criminals who steal from our public lands.[] Making these changes will also enable the Sentencing Commission's recent sentencing guidelines to be fully implemented. The Commission has increased sentencing guidelines for cultural heritage crimes, but the statutory maximum penalties contained in current law will prevent judges from issuing sentences in the upper range of the new guidelines..."*

Leahy

Page S 11716

Arkansas Riverbed Land.

*"...With respect to such treaty lands, the Non-Intercourse Act of 1790 prevents the transfer of title without Congressional approval. Without action by Congress, claims to legal title on behalf of the Indian Nations can continue to be raised with respect to these lands based on the Federal Government's underlying trust obligation. The threat of such lawsuits is a serious hardship on those people who were simply unaware that they were living on land that was once part of the bed of the Arkansas River. **H.R. 3534 would eliminate title problems that are the result of the Supreme Court's decision and resolve breach of trust claims brought by the Indian Nations...**"*

Inhofe

Page S 11725

Effective Date Provision of Involuntary Bankruptcy Clarification.

Baucus

Pages S 11728-29

Order for Adjournment Sine Die or Recess.

"... I ask unanimous consent that the Senate stand in adjournment sine die under the provisions of S. Con. Res. 160 or in recess until Friday, November 22, at 2 p.m., if the House has not acted on the adjournment resolution..."

Reid

Page S 11801

Adjournment Sine Die.

"...If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Con. Res. 160. There being no objection, at 6:12 p.m., the Senate adjourned sine die."

Daschle

Page S 11801

HOUSE

*The House was not in session today.
It will next meet on Friday, Nov. 22 at 11:00 a.m.*

Next SENATE MEETING: Tuesday, 12:00 p.m., January 7, 2003.
Next HOUSE MEETING: Friday, 11:00 a.m., November 22, 2002.

OLA: S. Schwarz, A. Santos